

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES DANIEL MURPHY,

Defendant.

Cause No. CR 03-27-GF-BMM-7

ORDER

Defendant James Daniel Murphy (“Murphy”) filed a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A) in light of the COVID-19 pandemic. (Doc. 690). Murphy was convicted of Conspiracy to Distribute Methamphetamine and Marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(D), & 846. (Doc. 320). The Court reduced Murphy’s initial sentence, (Doc. 568) and Murphy began serving his term of supervised release term on November 14, 2018. The Court revoked Murphy’s supervised release on July 19, 2021 for 1) using methamphetamine and marijuana; 2) committing another crime; and 3) failing to report for substance abuse testing; and 4) failing to report for substance abuse treatment. (Doc. 677). The Court sentenced Murphy to 12-months imprisonment with 48-months of supervised release to follow. (*Id.*)

After considering the sentencing factors in 18 U.S.C. § 3553(a), the Court may reduce Murphy's sentence if "extraordinary and compelling reasons warrant such a reduction." 18 U.S.C. § 3582(c)(1)(A)(i). The applicable factors from § 3553(a) may include the "nature and circumstances of the offense and the history and characteristics of the defendant," the need for the sentence "to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense," to deter criminal conduct and protect the public, and to provide effective correctional treatment, including education or vocational training and medical care. *See* 18 U.S.C. § 3553(a)(1), (2). The Court may also consider the advisory guideline range and the need to "avoid unwarranted sentencing disparities" among similarly situated defendants and to provide restitution to victims. *See id.* § 3553(a)(A), (6)--(7).

Murphy seeks to be released entirely from his sentence. (Doc. 690-3). To justify such a release, the Court would require Murphy to make a clear and convincing showing of both an extraordinary and compelling reason and satisfaction of the factors in § 3553(a).

A. Reason for Release.

Murphy suffers from diabetes, obesity, and edema. (Doc. 690-1). Murphy cites these ailments and the danger posed by the cases of COVID-19 in the BOP

facilities as grounds for his release. (*Id.*)

B. Section 3553(a) Factors.

Section 3553(a) factors include deterrence, just punishment, respect for the law, and avoidance of disparity of sentencing. Granting Murphy a reduction in his sentence undermines all of these factors and makes light of the seriousness of his failure to comply with the terms of his release. *See* 18 U.S.C. § 3553(a)(2)(A)–(C). The Court considered Murphy’s health and circumstances at his revocation hearing on July 19, 2021. (Doc. 676).

Accordingly, **IT IS ORDERED** that Murphy’s motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A) (Doc. 690) is **DENIED**.

DATED this 13th day of December, 2021.



Brian Morris, Chief District Judge
United States District Court